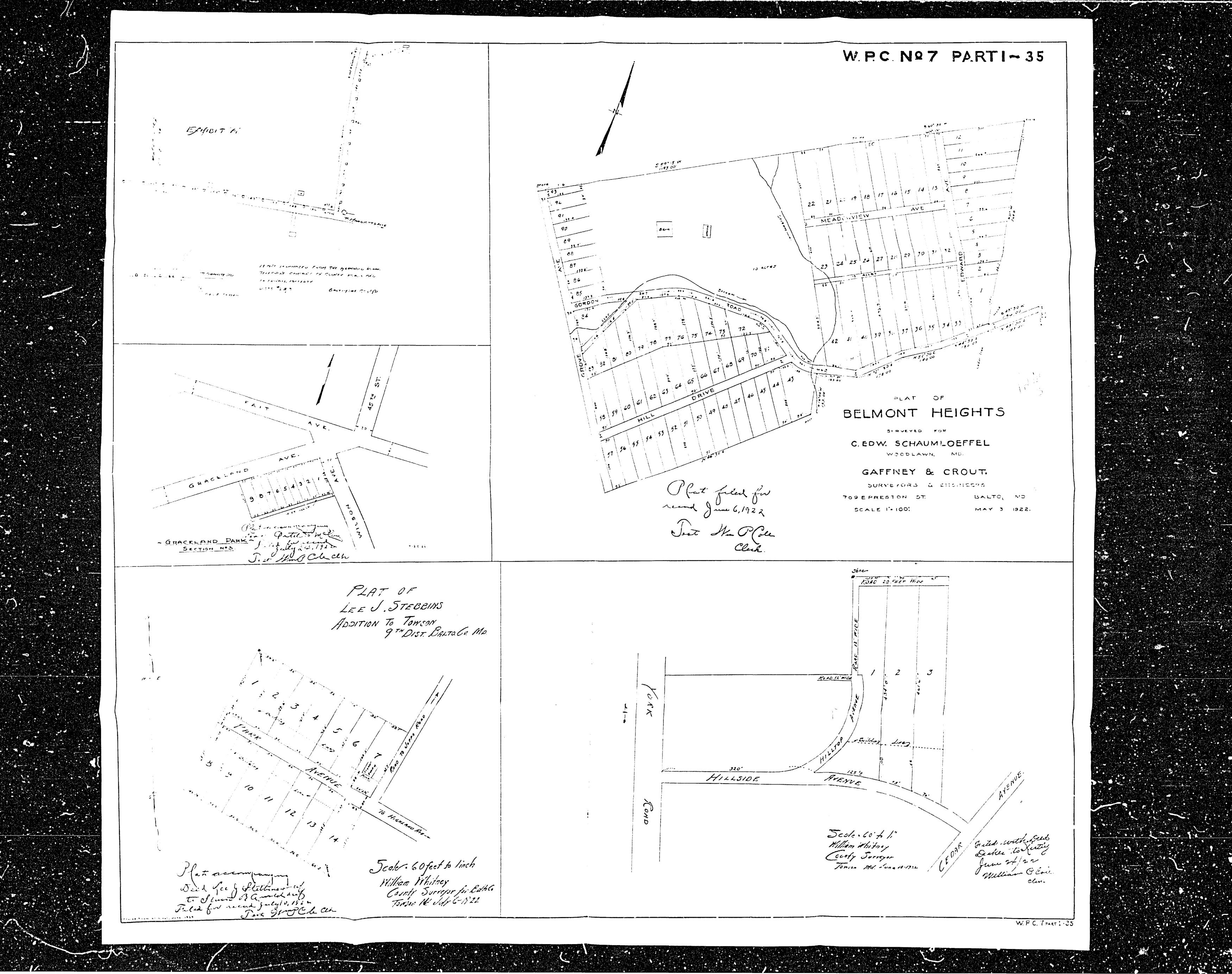
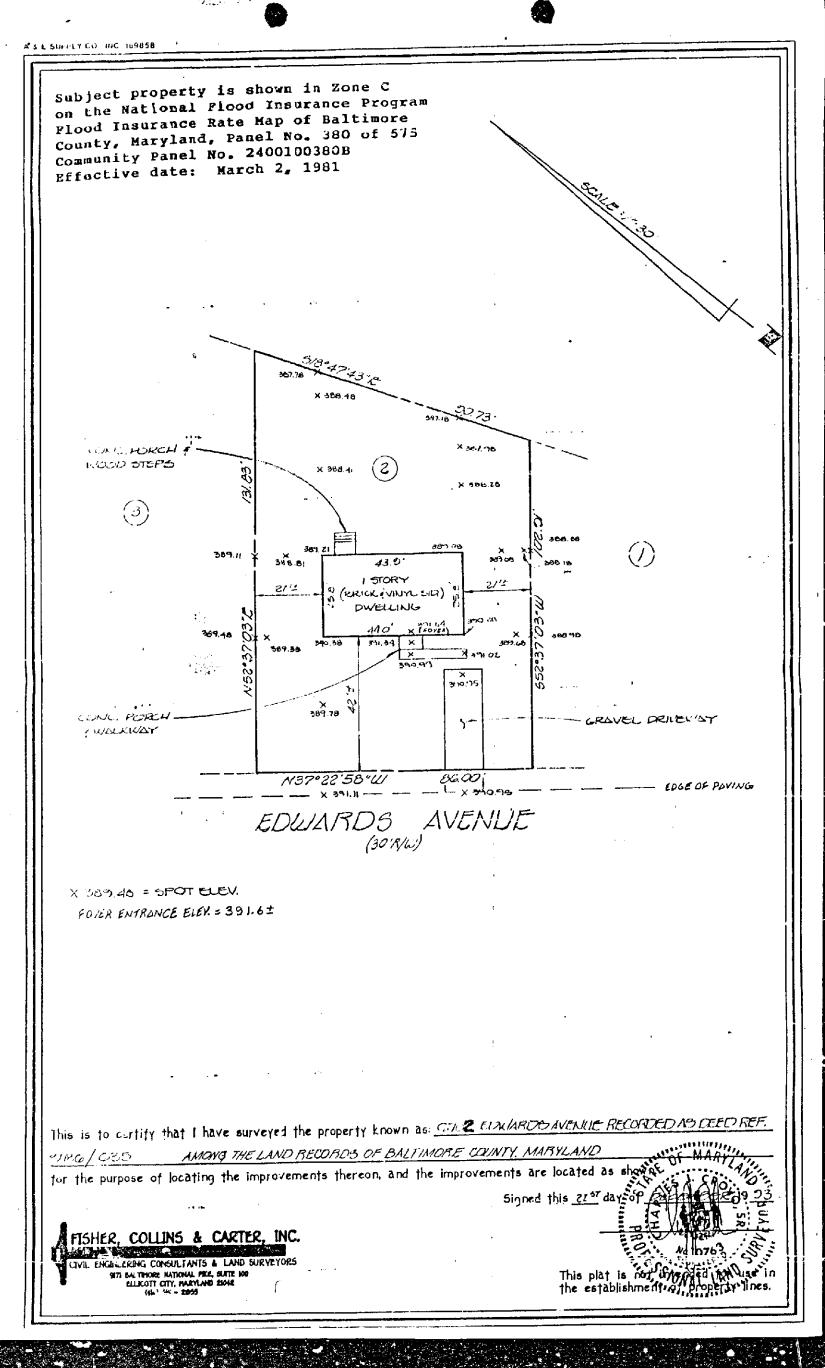


REJECT MARCH 1997





5/1/94

Thank You

67/2 Edward ane,

6702 Edward Ave

Address

6701 EDWARDS AVE

6711 Edward are

Flease be aadvised That we are currently planning

I am requesting that you, as a member of the Community, please sign below if you have no objections.

to construct a single family residence on Lot # 3

MARTIN'S INC. 6821 Dogwood Road Haltimore, MD 21244

Edwards Ave.

To Whom It May Concern,

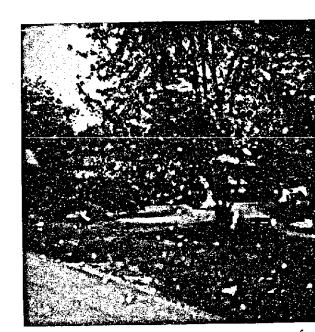
Signature

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 6704 EDWALLS AVE Subdivision name: BELDIONT HEIGHTS plat book# 7 ,folio#1-35,lot# 3 ,section# 1 OWNER: MIT MARTIN RESNICK-SUELECT PROPERTY Vicinity Map scale: T=1000~ LOT-6 LOCATION INFORMATION Election District: 2 Councilmanic District: 3 VACART VACHGIT RESNICK 1'=200' scale map#: NW-3G Zoning: DR 3.5 Lot size: 6.16 7072 acreage square feet -54-25' -12'+5' 21' - 44' - 21' -SEWER: WATER: 🗵 🗌 NO. 6762 Chesapeake Bay Critical Area: 🔲 🔀 Prior Zoning Hearings: 239' ± TE & OF Zoning Office USE ONLY! EDUVARDS AVE: (30' R/W 20' ± MAGADAM GORDON RD. > North date: 5/16/94 Scale of Drawing: 1"= 50" prepared by: THOK 

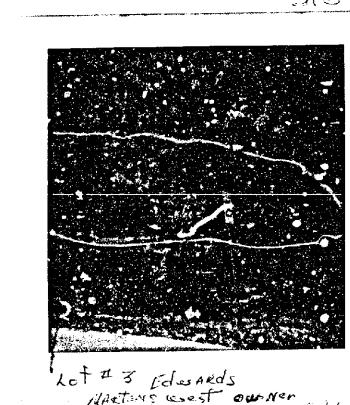
94-531-A



House went pour 6712 Edwards



LOT#3,4,65. Plus house Next Dog: - North; Located on 2 50 foot Lot. 6712 Edwards



CLIBERS 675 PAGE 243

REAL ESTATE TITLE COMPANY, INCORPORATED Keyser Building Baltimore, Md. LE zington 9-3212

App. No. \_\_\_108899\_

FEE SIMPLE DEED

This Deed, Made this

in the year one thousand nine hundred and seventy- six

ANNE C. MULLINEAUX BARRY, of Baltimore County, State of Maryland, of the first

MARTIN'S, INC., a body corporate of the State of Maryland, of the second part.

027 15-76 | 102131d | \*\*\*\*70.00 007 15-76 | 10213182 | \*\*\*\*28.00 00715-76 | 10213082 | \*\*\*\*35.00 007 10-76 | 10212582 | \*\*\*\*\*7.00

WITNESSETH that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part

do es grant and convey unto the said party of the second part, its successors

halfs and assigns, in fee-simple, all that lot of ground

situate, lying and being in and described as follows, that is to say

Baltimore County, State of Maryland BEGINNING for the same on the northeasternmost side of Edward Avenue in the

First Election District of Baltimore County, being Lot Number Three, (No. 3) as laid down on the Plat of "BELMONT BEIGHTS", said plat being recorded among the Land Records of Baltimore County in Plat Book Liber W.P.C. No. 7, folio 35; said lot fronting 50 feet on the northeasternmont side of Edward Avenue with a parallel depth easterly of 132.7 feet on the southernmost side line and depth of 149.45 feet on the northernmost side line.

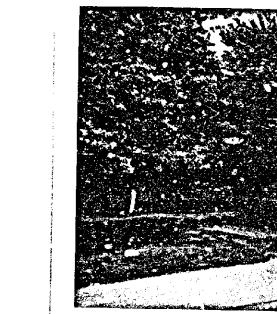
BEING the same lot of ground described in a Deed dated July 12, 1972 and recorded among the Land Records of Balrimore County in Liber E.H.K. Jr. No. 5286, folio 325 from Emily Cecelia Mullineaux unto the within party of the first part, Grantor herein.

> 14 7 7 Aug 14 1 U 5.00 MSC

Let # 3 Eduards. proto

Taken from Front

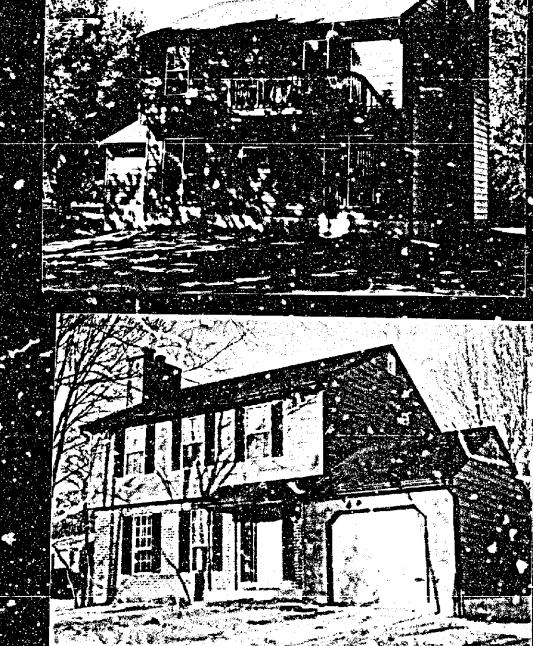
HOT LO COTED IN TO SOME Block #6716 FUR MR DS CIT House Mext Doon - South 28×44 6702 Edwards (1



Lot 4 3 Taken from worth

674-531-A

Petitioner's Cylibrits 1A+ 2B



Zoning Plans Advisory Committee Comments Julius W. Lichter, Esquire Date: July 22, 1994

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards Grad J.

WCR:cmm

U. James Lignthizer Maryland Department of Transportation
State Highway Administration Hal Kassolf Administrator Re: Baltimore County
Item No.: \$\frac{1516}{516} (TPA) Ms. Charlotte Minton Zoning Administration and Development Management
County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204 Dear Ms. Minton: This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project. Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item. DAVID N. JAMSEY, ACTING CHIEF John Contestabile, Chief Engineering Access Permits
Division My telephone number is \_\_\_\_\_ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

> Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

> > ا د درسه پهريالد متواهد اور د د درسه پهريالد متواهد اور در در در

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21286-5500 (410) 887-4500 DATE: 07/12/94 Arnold Jablon Director Zoning Administration and Development Management
Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105 RE: Property Owner: SEE BELOW LOCATION: SEE BELOW Item No.: SEE BELOW Zoning Agenda: Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518, 519,520,521,522,523 AND \*1. REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

REQUEST FOR HEARING
TO THE ZOHING COMMISSIONER FOR BALTIMORE COUNTY:
Re: Case Number:
Petitioner(s): MOZGAN KELLEY  Location: 670% EOWARDS Ave.
Location: 6707 EOWARDS Ave.
**************************************
I/NE, Joseph G. Sweet 944-8
(TYPE OR PRINT)  (T)Legal Owners ( ) Residents, of
( ) Residents, of
- 6702 Edwards Ave.
Baltimore, Md. 21244
Phone
which is located approximately feet from the
property which is the subject of the above petition, do hereby formall
request that a public hearing be set in this matter.
11 2
Signey & Sweet 7/8/94
Signeture U Date
51grature Date
CHACKOTTL
Plura Su Me ou
De have jule A
17/11
and the
have the
U Me 'n to 1

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Mart	in's, Petii	Inc. tioners				*		CAGE N	10. 94-	-531 <del>-</del> A	
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Aven	ue, 24	rds Lan 43.5 fe	et N c	of $c/1$	Gordon	*		ZONING	COMM	SSION	ER
		TION FO				*		BEFORE	THE		

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_\_\_ day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.



Peter Max ZIMMERMAN

Signed By: June 100 Monag & Zoning

Late Location: HES W/side/correct Edwards Ave	TO: Director Office of Pranning and Zoning Attn: Ervin McDaniel Count Couts Bidg, Rm 406 401 Foderly Av Towson, MD 21204 FROM: Towson, MD 21204 FROM: Undersized Lots Pursuant to Section 304.2(Saltimore County Zoning Regulations) effective June 25, 1992; this office is requesting rections and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.  ###################################	TO: Director, Office of Planning and Zoning			
Director Office of Pranning and Zoning Attr. Ervin McDaniel Count- Courts Bidg. Rm 406 401 Faciny AV Towson, MD 21204  FROM: Arnold Jablon, Director, Zoning Administration and Development Management  RE: Undersized Lots Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recultions and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.  ### Ministra Resnick    Mr. Martin Resnick   Sulfette   Election District   2   Case of District   3   Square Feet 70;	Director Office of Pianning and Zoning Attr. Errin McDaniel Count Courts Bidg, Rm 406 401 Focial Av. Towson, MD 21204 FROM: Arnold Jablon, Director, Zoning Administration and Development Management  RE: Undersized Lots Pursuant to Section 304.2 (Saltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recitions and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.  ###################################	TO: Director, Office of Planning and Zoning		DENCE	
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Count- Courts Bidg, Rm 406 401 Fochs; AV Towson, MD 21204 Arnold Jablon, Director, Zorning Administration and Development Management  RE: Undersized Lots Pursuant to Section 304.2 (Saltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recitions and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.  #INIMUM APPL CART SUPPLIED INFORMATION:  Office of Planning & Zoning prior to this office's approval of a dwelling permit.  #INIMUM APPL CART SUPPLIED INFORMATION:  Office of Planning & Zoning prior to this office's approval of a dwelling permit.  #INIMUM APPL CART SUPPLIED INFORMATION:  Office of Planning & Zoning Prior Total Access the Beauty of the Insulation of the Planning and Zoning)  #INIMUM APPL CART SUPPLIED INFORMATION:  Office of Planning and Zoning)  PROVIDED?  Resodemble From (2 copies)  1. This Recember Section 20 copies)  Topo Map (semiclase in the 16st planning and Zoning)  PROVIDED?  Resodemble Proof (3 copies)  Topo Map (semiclase in the 16st planning and Zoning)  Address:  Office of Planning and Zoning Date.  Topo Map (semiclase in the 16st planning and Zoning)  PROVIDED?  Resodemble Proof (3 copies)  Topo Map (semiclase in the 16st planning and Zoning)  Adjoining Buildings  Surrounding Neighborhood  TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLYI  RECOMMENDATIONS/COMMENTS:    Approval   Bisepprevel   Approval conditioned on required modifications of the permit to conform with the	Count- Courts Bidg, Rm 406 401 Fochs; AV Towson, MD 21204 Arnold Jablon, Director, Zoning Administration and Development Management  RE: Undersized Lots Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recitions and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.  MINIMUM APPL CANT SUPPLIED INFORMATION:  OM: Martin Resnick  Minimum Appl Cant Supplied Information:  I lat Madress Lot #3 Edwards Ave. Election District 2 Canacil District 3 Square Feet 70  Lat Lacettles: #5 W/side/ corner of Edwards Ave 239 feet from #5 W worser of Canada. Rd.  Corner  Lind Owner Mr. Martin Resnick / Martin's Inq. Tex Access thanker 01-13-855430  Address 6821 Dogwood Road Telephone Number 410 265-1300  Baltimore, Md. 21244  CRECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning) PROVIDED?  Resolution Proc.  1. This Recommendation is in 194 COA1 (2 copies)  Topo Map femiliation in the 194 COA1 (2 copies)  Lind Proc.  Topo Map femiliation in the 194 COA1 (2 copies)  Approval Designation of the permit to conform with the RECOMMENDATIONS/COMMENTS:  Approval Bisepprevel Approval conditioned on required modifications of the permit to conform with the	Attn: Ervin McDaniel			B
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### APPLICATE SUPPLIED INFORMATION:    Martin Resnick	### APPLICANT SUPPLIED INFORMATION:    Min. Martin Resnick	· · · · · · · · · · · · · · · · · · ·			
### Martin Resnick    Mr. Martin Resnick	### Martin Resnick    Mr. Martin Resnick	Pursuant to Section 304.2(Baltimore County Zoning tions and comments from the Office of Planning & Zoning price	Regulations) effective to this office's appear	June 25, :992; this offi	ice is requesting reco
Dispersion   Property   Coopes	Disable   Disa		· lo una omea appro	Agi oi a dweitid bettilf	
Last Address Lot #3 Edwards Ave. Election District 2 Council District 3 Square Feet 70 Lat Location: #ES W/side / corner of Edwards Ave	Last Address Lot #3 Edwards Ave. Election District 2 Council District 3 Square Feet 70 tot Location: #ES W/side / corner of Edwards Ave. ,239 feet from #ES W corner of Gardon Rd. (direct)  Lind Owner Mr. Martin Resnick / Martin's Inq. Tex Access Humber 01-13-855430  Address 6821 Dogwood Road Telephone Number 410 265-1300  Baltimore, Md. 21244  CRECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning) PROVIDED?  1. This Recommendation Form (3 copies)  2. Permit Application  3. Site Ples Properly (3 copies)  Topo Map (consider in the 124 Co.8.) (2 copies)  Last Didding Elevation Drawings  5. Photographs (pless leaded all photos dearly) Adjourning Buildings  Surrounding Neighborhood  TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!  RECOMMENDATIONS/COMMENTS:  Approval Disappreval Approval conditioned on required modifications of the permit to conform with the				
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	5/1/94
MARTIN'S INC. 6821 Dogwood Road Baltimore, MD 21244	
To Whom It May Concern,	
to construct a single family Edwards Ave.	
Community, please sign below	ou, as a member of the w if you have no objections.
	Thank You
Signature	Address
List Mate	6701 EDWARDS AVE
alice Jimmelman	67/2 Edward ane,
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Alice A Zimmerman MARY D. Ross Joseph Sweet Diane L. Zimmerman Gus R. BOND	67/2 Edward AVE. 2/244 67/1 Edward AVE. 2/244 6702 Edwards AVE. 21249 6712 Edwards AVE. 21249 6712 Edward ave. 21249 1750 Gerlow AVE 21244

516.

Zoning Description - 3 copies Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR LOT#3 EDWARDS AVE. BELL GUT HEIGHTS SUBJU. Election District 2 Councilmanic District 3 Beginning at a point on the  $\frac{EAST}{\text{(north, south, east or west)}}$ AUENUE which is (30) FEET (street on which property fronts) (number of feet of right-of way width) wide at a distance of  $\frac{243.5}{\text{(number of feet) (north, south, east or west)}}$ centerline of the nearest improved intersecting street GORDOW ROAD (name of street) which is 30' FERT wide. \*Being Lot # 3 ...

(number of feet of right-of-way width) Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of BELMONT HEIGHTS SUBDIUISION as recorded in Baltimore County Plat (name of subdivision) Book #  $\frac{7}{}$ , Folio #  $\frac{1-35}{}$ , containing (square feet and acres) \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY District. 3rd.

Posted for: Variance

Date of Posting 7/17/94 Location of property: 6704 Edwards Are, Els Location of Signe: Taring Yvadway on proporty boing romed CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regula-tions of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office THIS IS TO CERTIFY, that the annexed advertisement was Building, located at 111 W Chesapeake Avenue in Towson, Maryland 21204 of Room 118, Old Courthouse published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on  $\frac{7/4}{}$ . 19  $\frac{94}{}$ . Case Number: 94-531-A (Item 516) 5701 Edwards Lane E/S Edwards Ave., 243. E/S Edwards Ave., 243.3 feet N of c/I Gordon Road 3rd Election District 2nd Councilmanic Petitioner(s):
Martin's Inc.
HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Pollinore Courty

Zoning Administration &

Development Management

111 Vest Chesapeake Avenue

Towson, Maryland 21204 Date 6.30.94. TIR MINITION RESNICK/MARTINEINC COMR. ROMAN KELLY 9259 Bricken Timisa WAY. 010 - REQ. DAR. 50 080 - SIEN. 35 TOTAL 185 01A01#0056MICHRC Please Make Checks Payable To: Baltimore County

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the The following information is missing: Descriptions, including accurate beginning point Actual address of property Plats (need 12, only submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need-minimum 1 origin printed name and/er address and/er telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal. Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired PET-FLAG (TXTSOPH)

PETITION PROCESSING FLAG

TO: PUTUXENT PUBLISHING COMPANY July 14, 1994 Issue - Jeffersonian Please foward billing to: Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Evenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-531-A (Item 516) E/S Edwards Avenue, 243.5 feet N of c/1 Gordon Road 3rd Election District - 2nd Councilmanic Petitioner(s): Martin's, Inc. HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit 5-foot side yards, 50-foot lot width, and 7,072 square feet of area in lieu of 10-foot minimum side yard and a total of 25 feet for both side yards, 70-foot lot width and 10,000-square foot

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

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NOTES: (1) Hearings are Hand icapped accessible; for specia

(2)For informa-tion concerning the File and/or Hearing, Please Cali 887-3391.

7/117 July 14.

(410) 887-3553

NOTICE OF HEARING

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Julius W. Lichter, Esquire

Printed with Soybean Ink

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 311 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION COMPERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

111 West Chesapeake Avenue Towson, MD 21204 7/19/94 - CORRECTED COPY NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: CASE NUMBER: 94-531-A (Item 516) http://downlearner.com/bit/downlearner/bit/dow E/S Edwards Avenue, 243.5 feet N of c/1 Gordon Road 3rd Election District - 2nd Councilmanic Petitioner(s): Martin / /////// Resnick HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse Variance to permit 5-foot side yards, 50-foot lot width, and 7,072 square feet of area in lieu of 10-foot minimum side yard and a total of 25 feet for both side yards, 70-foot lot width and 10,000-square foot cc: Martin Resnick Morgan C. Kelly NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887-3353

**Baltimore County Government** Office of Zoning Administration

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 22, 1994

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

> RE: Case No. 94-531-A, Item No. 516 Petition for Variance

Petitioner: Martin's, Inc.

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 29, 1954 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

E/S Edwards Avenue, 243.5' N of the c/l of Gordon Road (Lot 3 of Belmont Heights) 3rd Election District 2nd Councilmanic District

Martin Resnick/Martin's, Inc. Petitioner

\* Case No. 94-531-A

\* \* \* \* \* \* \* \* \* \*

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Lot 3 of Belmont Heights, also known as 6704 Edwards Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petition was filed by the owners of the property, Martin Resnick/Martin's Inc., through their attorney, Julius W. Lichter, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet each in lieu of the minimum required 10 feet and a total side yard sum of 10 feet in lieu of the required 25 feet, a lot width of 50 feet in lieu of the required 70 feet, and a total area of 7,072 sq.ft. in lieu of the minimum required 10,000 sq.ft. for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit

Appearing on behalf of the Petition were Morgan C. Kelly, Petitioner's Builder, and Julius W. Lichter, Esquire, attorney for the Petitioner. Appearing in opposition to the request were several residents of the surrounding community. These included Joseph Sweet who resides immedirately next door to the subject property, Alice and Diane Zimmerman who reside on the other side of the property, and Mary Ross and Gus R. Bond, nearby property owners.

consists of 0.16 acres, more or less, zoned D.R. 3.5 and is presently unimproved. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony revealed that this property was acquired by the Petitioner on September 9 1976. This is a small lot, 50 feet wide. The rear property line is not parallel to the front property line, and thus, the depth of the lot ranges from 132.1 feet to 150 feet, with a total area of 7,072 sq.ft., or .16 acres. On behalf of the Petitioner, Mr. Kelly testified that he has built several homes in this community, including Mr. Joseph Sweet's home immedia ately adjacent to this property. Mr. Kelly became aware of Mr. Resnick's ownership of the property shortly after completing Mr. Sweet's home and approached Mr. Resnick about constructing a single family dwelling on his The model proposed is known as the "Chandon" which is 40 feet wide and 28 feet deep as more particularly described on the elevation drawing submitted into evidence as Petitioner's Exhibit 4. The 40-foot width includes an option which features a single car garage and attached family room which are 12 feet wide each. This house is proposed to be constructed on the subject property with the option of a single car garage and family room, thereby resulting in side yard setbacks of 5 feet on each side. Mr. Kelly testified that, in his opinion, the proposed construction will not be detrimental to the surrounding locale and is compatible with the neighborhood. He indicated that there are other homes in the vicinity on 50-foot wide lots and that he has built a similar model home in this

Testimony and evidence offered revealed that the subject property

community. He also testified that efforts would be made not to remove trees or otherwise disturb the existing lot any more than necessary.

tioner's evidence was not convincing. Although it is clear that the Petitioner needs a variance from the lot width and area requirements, I am not convinced that 5 foot side yard setbacks on either side are the minimum that can be obtained. In fact, Mr. Kelly testified that there were other housing types which might be practical on this site.

Under the circumstances, I shall approve the relief requested to permit construction on a lot with a total area of 7,072 sq.ft. in lieu of the required 10,000 sq.ft., and a width of 50 feet in lieu of the required 70 feet. As to the side yard setbacks however, I will require that the proposed dwelling be no greater than 28 feet in width. Thus, the model shown on Petitioner's Exhibit 4 may be constructed, without a garage or family room addition. In the alternative, other models less than 28 feet in width can be constructed. This will allow an additional 12 feet to be provided for the side yards. As to this additional distance, the Petitioner shall maintain at least a 15-foot side yard setback on the south side facing Mr. Sweet's home. The exhibits offered showed that the dwelling on the Sweet is the closest dwelling to the property and thus, I believe that the larger side yard should be oriented towards that dwelling. A 15-foot side yard on that side, coupled with Mr. Sweet's 21-foot existing side yard should provide a large enough distance between the two homes. Moreover, a 7-foot side yard setback should be maintained on the north side. It should be noted that the closest dwelling on that side is at least 100 feet away. Moreover, as required by Baltimore County, any dwelling constructed on this lot should face Edwards Avenue.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted, as modified above.

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of August, 1994 that a variance from Section 1802. 3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7-foot side yard setback on the north side and a 15-foot side yard setback on the south side for a total side yard sum of 22 feet in lieu of the required 25 feet, a lot width of 50 fest in lieu of the required 70 feet, and a total area of 7,072 sq.ft. in lieu of the minimum required 10,000 sq.ft. for a proposed dwelling, be approved, and as such, the Petition for Variance, as modified, is hereby GRANTED, subject to the following restrictions:

- 2-

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The size of the proposed dwelling is limited to 28 feet x 40 feet in accordance with the model depicted on Petitioner's Exhibit 4, without the option of a single car garage and family room. In lieu of this particular model, another model of less than 28 feet in width and 40 feet in depth would be permitted.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.
- IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) side yard setbacks of 5 feet each in lieu of the minimum required 10 feet and a total side yard sum of 10 feet in lieu of the required 25 feet, be and is hereby DENIED.

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LES:bjs

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

As to the Protestants, they uniformly object to the proposed dwelling as they believe that the subject lot is too small. They are particularly concerned over the potential increase in storm water runoff from the property due to the size of the proposed dwelling. fear the loss of trees on the property which currently act as a buffer for many residents from the Holiday Inn and commercial uses located nearby. It should be noted that a Holiday Inn exists to the rear of the site on Belmont Road. Other concerns over traffic, emergency vehicle access, parking and similar issues were also raised by the Protestants.

It should first be noted that Section 304 of the B.C.Z.R. allows for construction of a single family dwelling on an undersized lot under certain conditions. Three criteria must be met in order for construction to be allowed as of right. First, the subject undersized lot must be part of a subdivision duly recorded prior to March 30, 1955, the date of the first comprehensive zoning regulations in Baltimore County. In this case, a plat of the community was submitted which demonstrates that this subdivision was recorded in 1922. Obviously, this is an older, well-established neighborhood. Thus, in view of this recorded plat, the Petitioner satisfies the first prong of Section 304. The second criteria to be met is that the property owner can own no adjacent lands. Mr. Resnick also meets this test in that Mr. Sweet owns the property on one side and the Zimmermans own the property on the other side. The third criteria under Section 304 requires that all other height and area regulations can be met. In this instance, Mr. Resnick fails to satisfy the test. That is, by virtue of the fact that a variance to side yard setback requirements is necessary, it is clear that he does not meet all height and area requirements within the B.C.Z.R. Since he fails to meet all three of those tests, Mr. Resnick

cannot develop the property as of right, and thus, the requested variances are necessary.

Although development of the property as of right pursuant to Section 304 is not allowed, the evaluation of the site in accordance with those standards is significant. As noted above, the property is zoned D.R. 3.5, a residential classification. Any property owner has the right to develop this property in accordance with the permitted uses thereon. This is not a publicly owned parcel which must be maintained for the benefit of other property owners in the neighborhood. Thus, the neighbors have no right to expect that this property should be maintained and utilized only for their Benefit. Mr. Resnick's proposed use of the property is clearly permitted, just as Mr. Sweet was able to develop his property with a residential dwelling less than one year ago.

Furthermore, an evaluation of the variances requested must be made in accordance with the standards set forth in Section 307 of the B.C.Z.R. Therein, the Petitioner must show that he would suffer a practical difficulty if strict adherence to the regulations were required, that no detriment would be suffered by the surrounding community if the variance relief is granted, and that the relief granted is within the spirit and intent of the regulations. Surely the practical difficulty test is met in this instance. If strict adherence to the regulations were required, residential development would be impractical. Furthermore, I am convinced that a granting of the variances is within the spirit and intent of the regulations and can be accomplished without detriment to the surrounding locale.

However, the Petitioner must also show that the variance requested is the minimum relief which must be sought. On this count, the Peti-

- 4-

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

- 3-

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Julius W. Lichter, Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21285-5517

RE: PETITION FOR VARIANCE E/S Edwards Avenue, 243.5' N of the c/l of Gordon Road (Lot 3 of Belmont Heights) 3rd Election District - 2nd Councilmanic District Martin Resnick/Martin's, Inc. - Petitioner Case No. 94-531-A

August 5, 1994

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified herein, has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, // LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Morgan Kelly 9259 Broken Timber Way, Columbia, Md. 21045

Mr. Joseph Sweet, 6702 Edwards Avenue, Baltimore, Md. 21244

Ms. Alice A. Zimmerman and Ms. Diane L. Zimmerman 6712 Edwards Avenue, Baltimore, Md. 21244

Ms. Mary Ross, 6711 Edwards Avenue, Baltimore, Md. 21244 Mr. Gus R. Bond, 1750 Gordon Avenue, Baltimore, Md. 21244 People's Counsel; File

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at

Belmont Heights Subdivision

Lot #3 W. P. C. #7 Part 1-35

which is presently zoned DR 3.5 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3c.1 To permit 5 foot side yards, 50' Lot width; 7072 sq. feer of area (See attached undersized lot recommendation) in liew of 10' min. side yard and a total of 25' for bothside yards.

70' lot width & 10000 sq. foot area. Peru Sec. 304, BCZR of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or 1.DR 3.5 zoning require 70' frontage, 10' min. for one side yard & 25' total for both. 2. Lot #3 is 50' across the front; I own no continues property. 3. I would like to build a single family houes on my lot, of a size typical of the

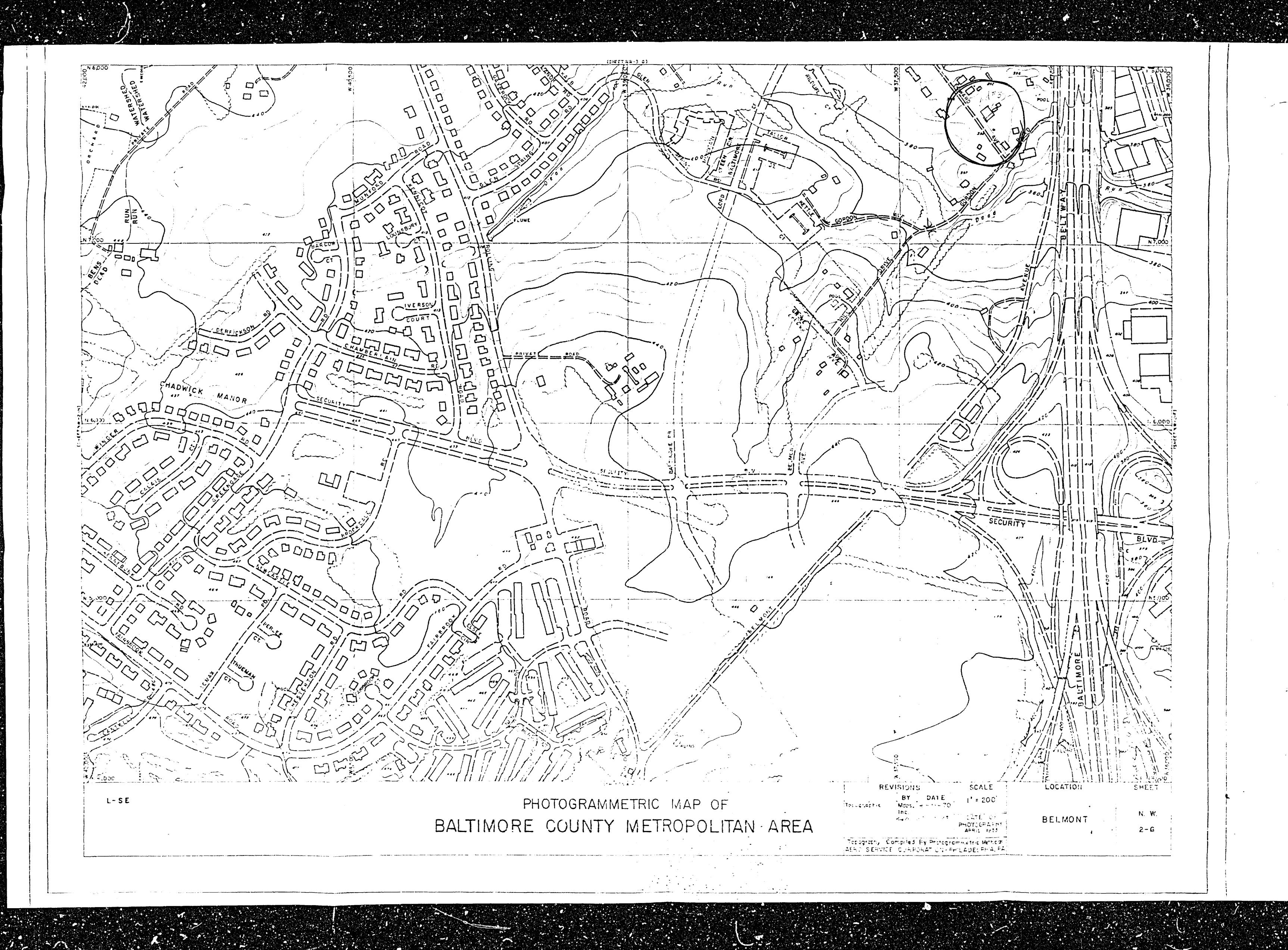
4. The houses in the neighborhood are all about the width of the proposed house. \*Footnote! The house next door & one other in this block are constructed on 50' lots. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

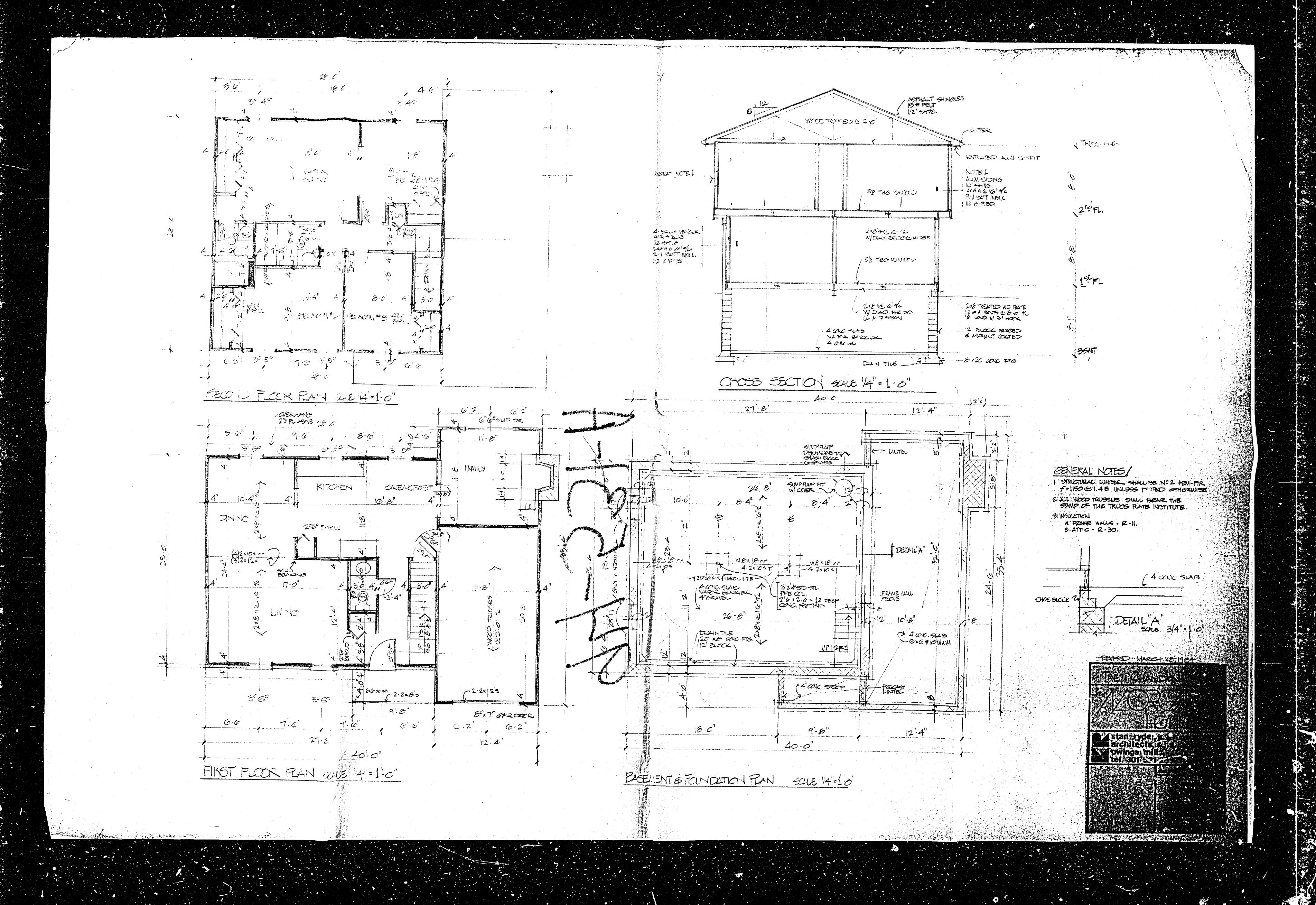
•	
Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are legal owner(s) of the property which is the subject of this Petition Legal Owner(s):
(Type or Print Name)	Mr. Martin Resnick / Martin's Inc.
Signature	Signature R. Keener
Address	(Type or Print Name)
City State Zipcode Altomey for Petitioner:	Signature
Type or Print Name)	Address Phone No
Jones Delte	City State Zipcode Name, Address and phone number of representative to be contacted.
TO CIVE SAFEAKE TO 321-0600	Mr. Morgan C. Kelly
State 2/20 4	9259 Broken Timber Way (410) 997-1975

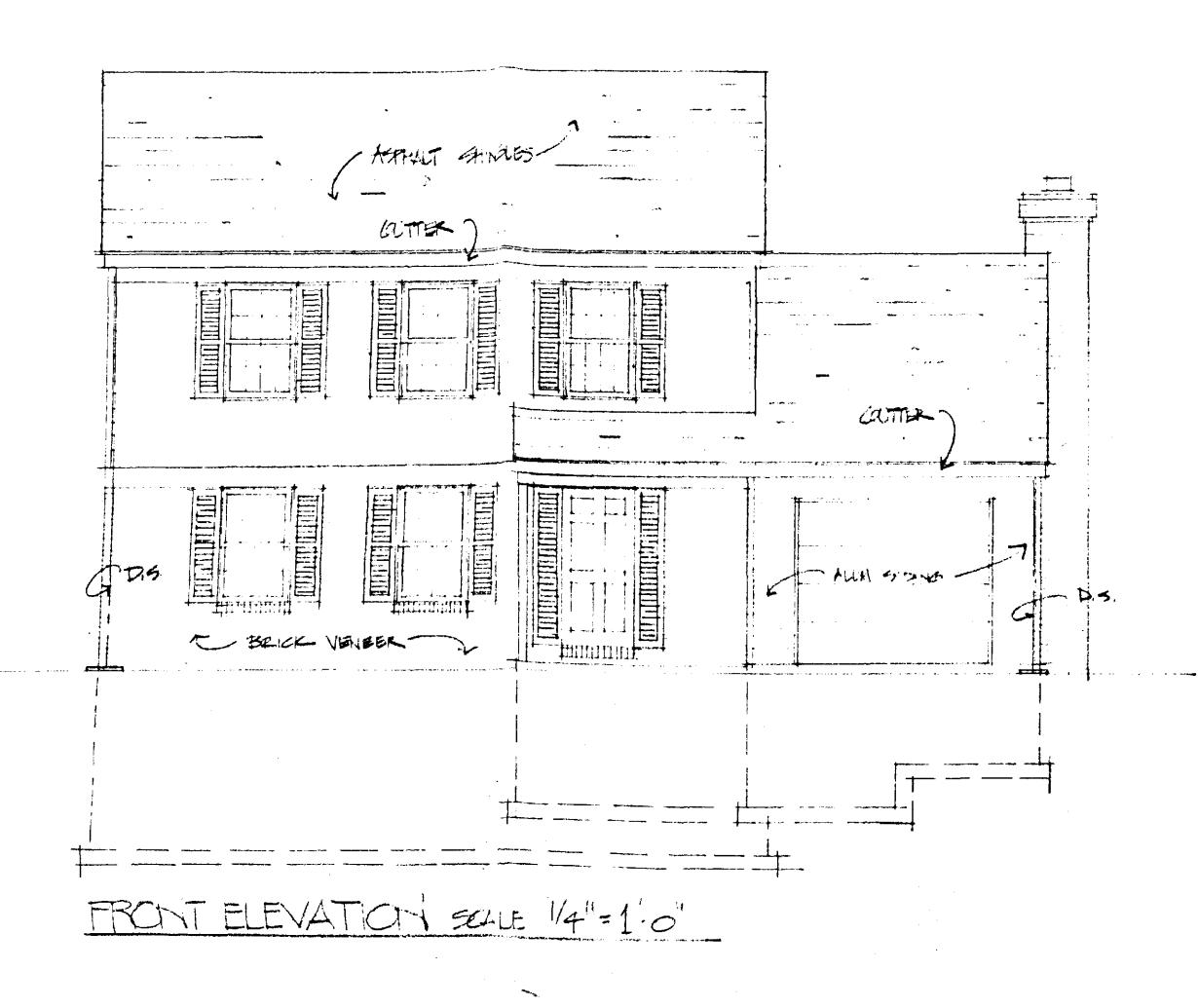
OFFICE USE ONLY

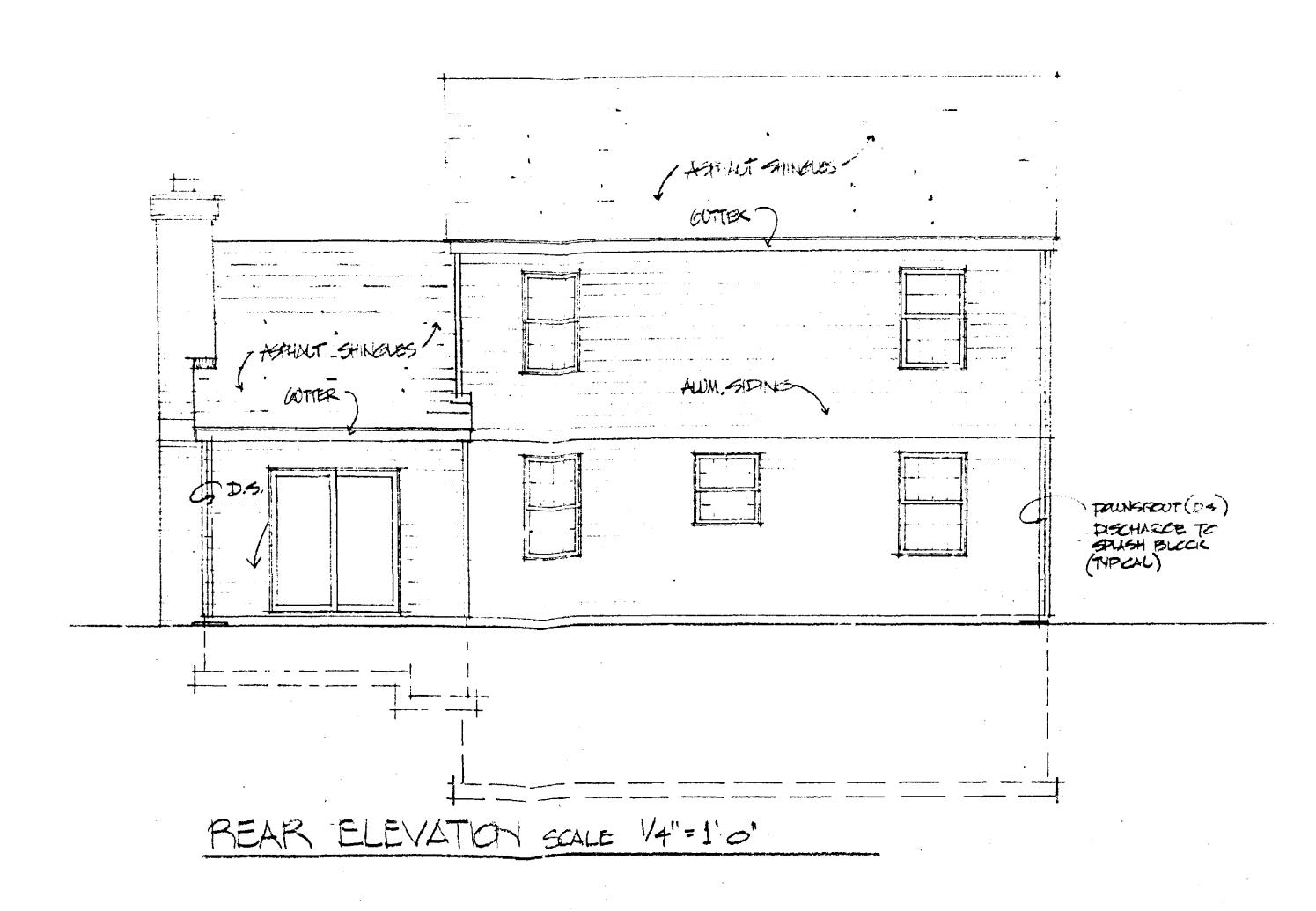
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an Recycled Paper

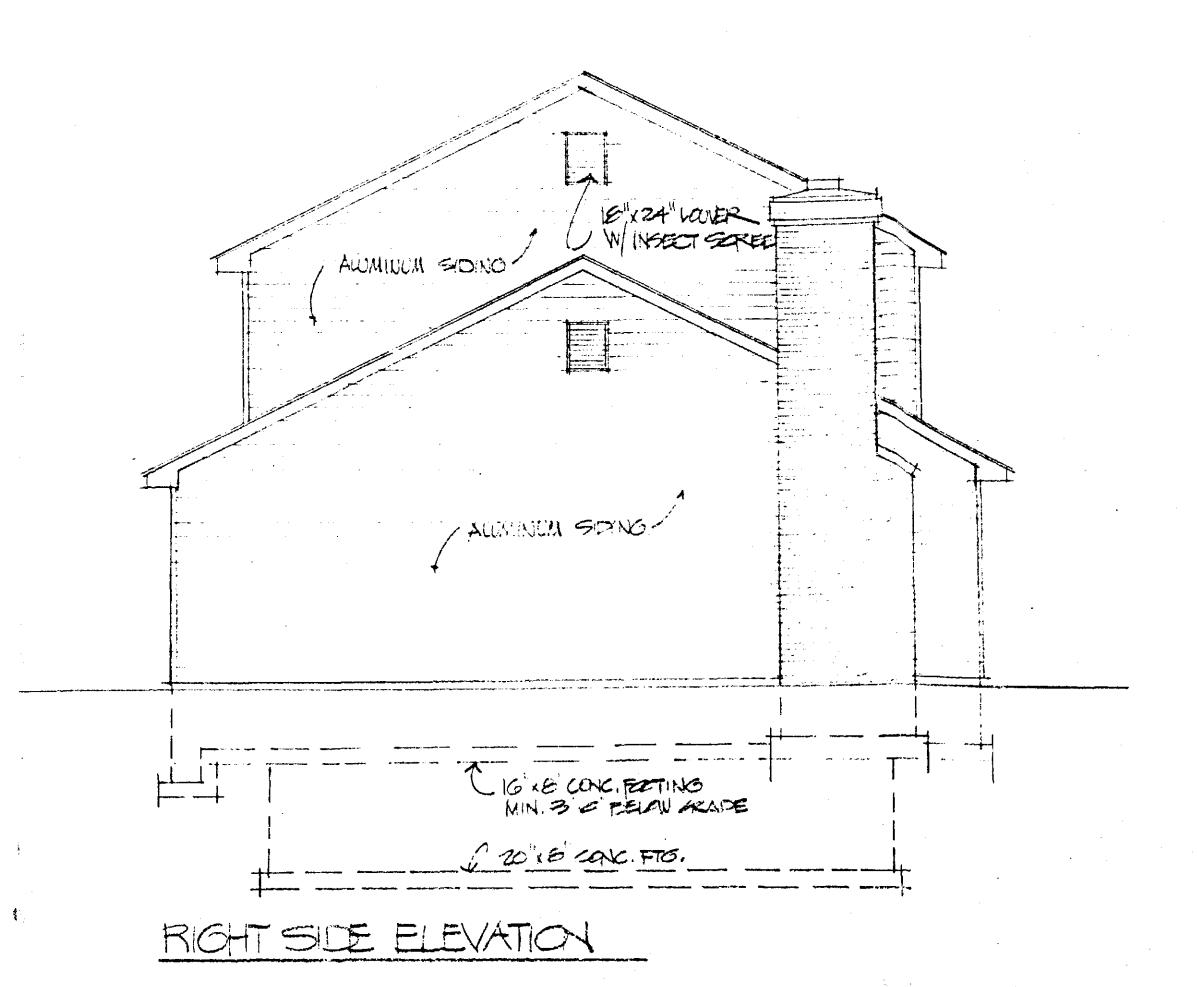
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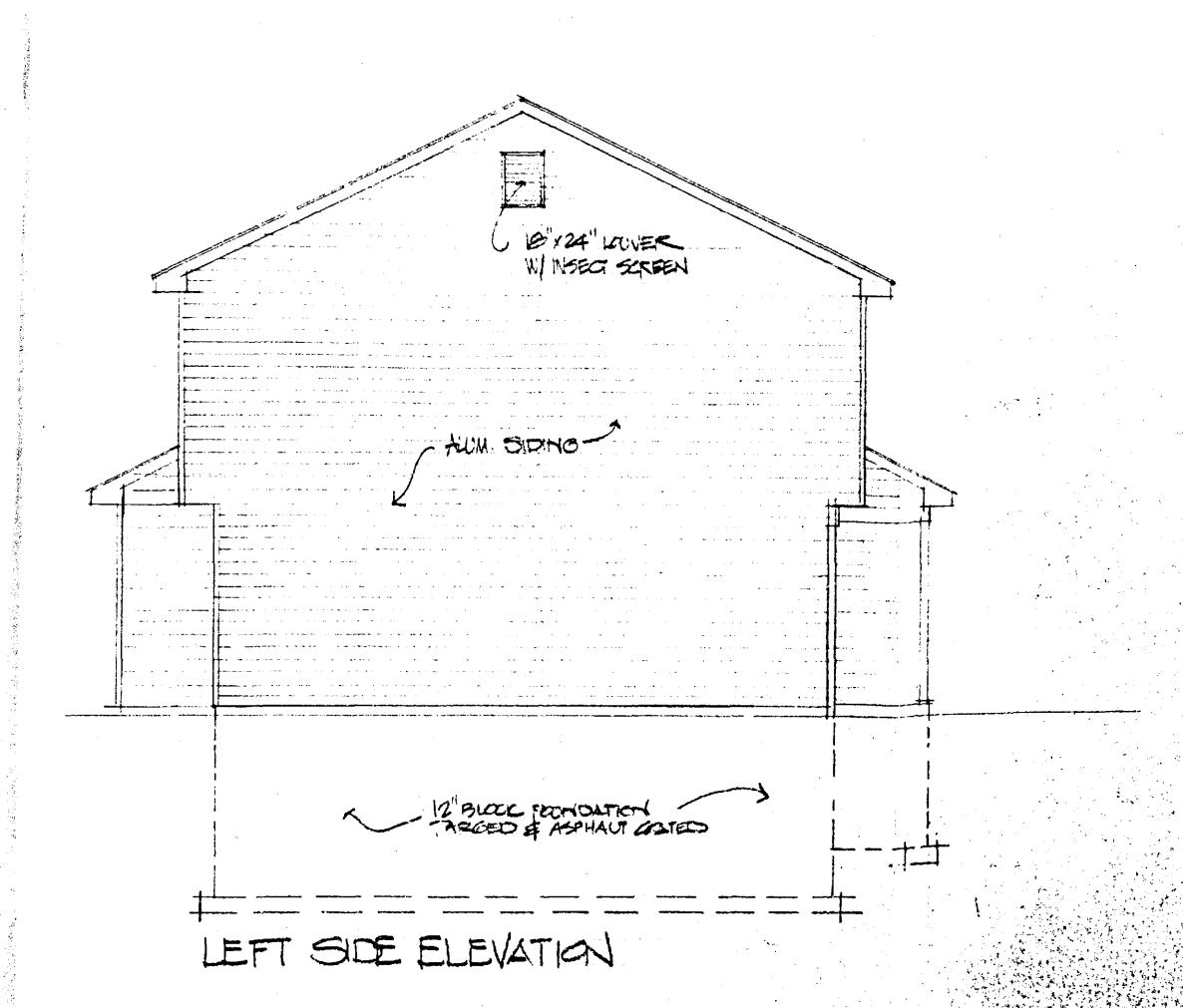




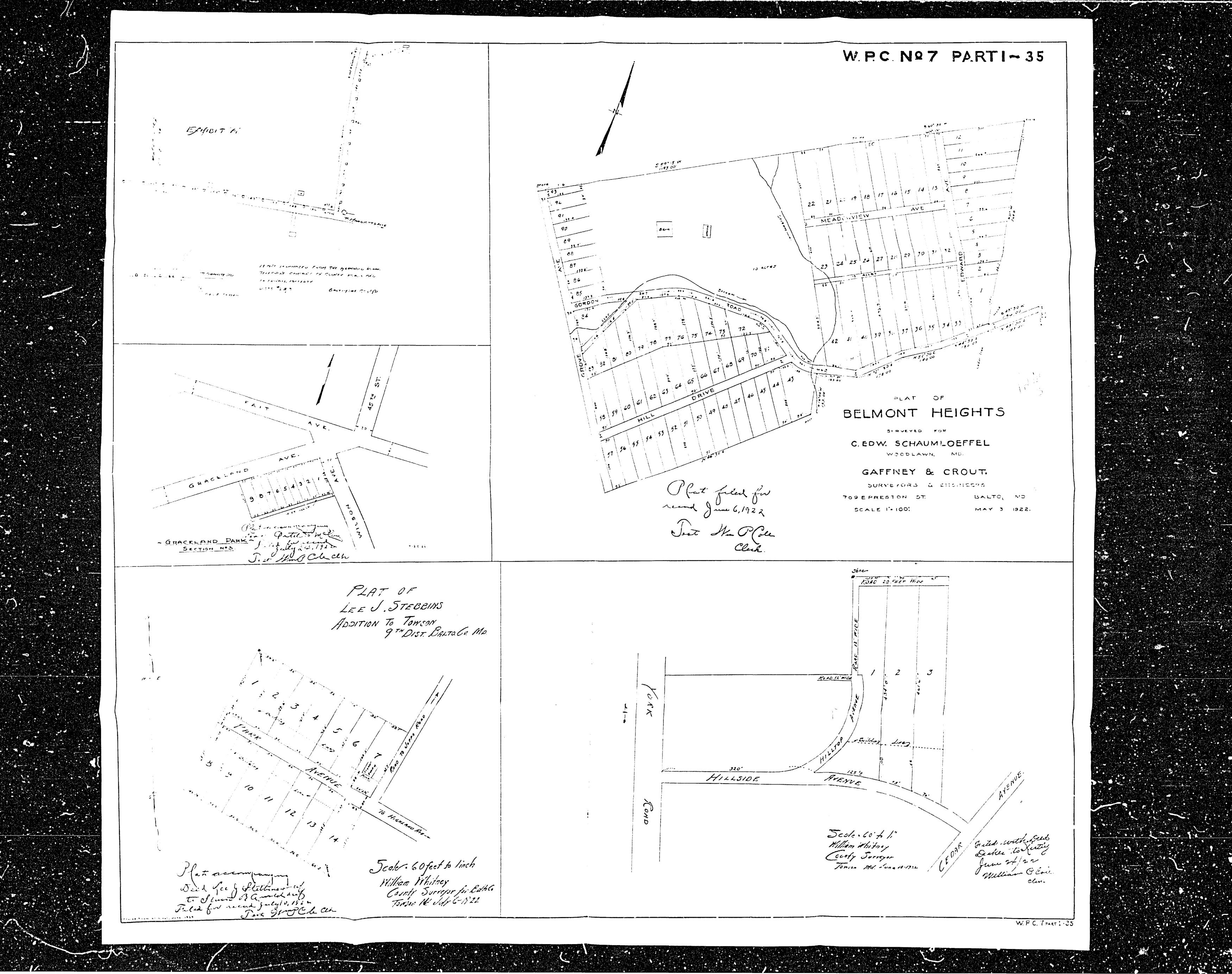


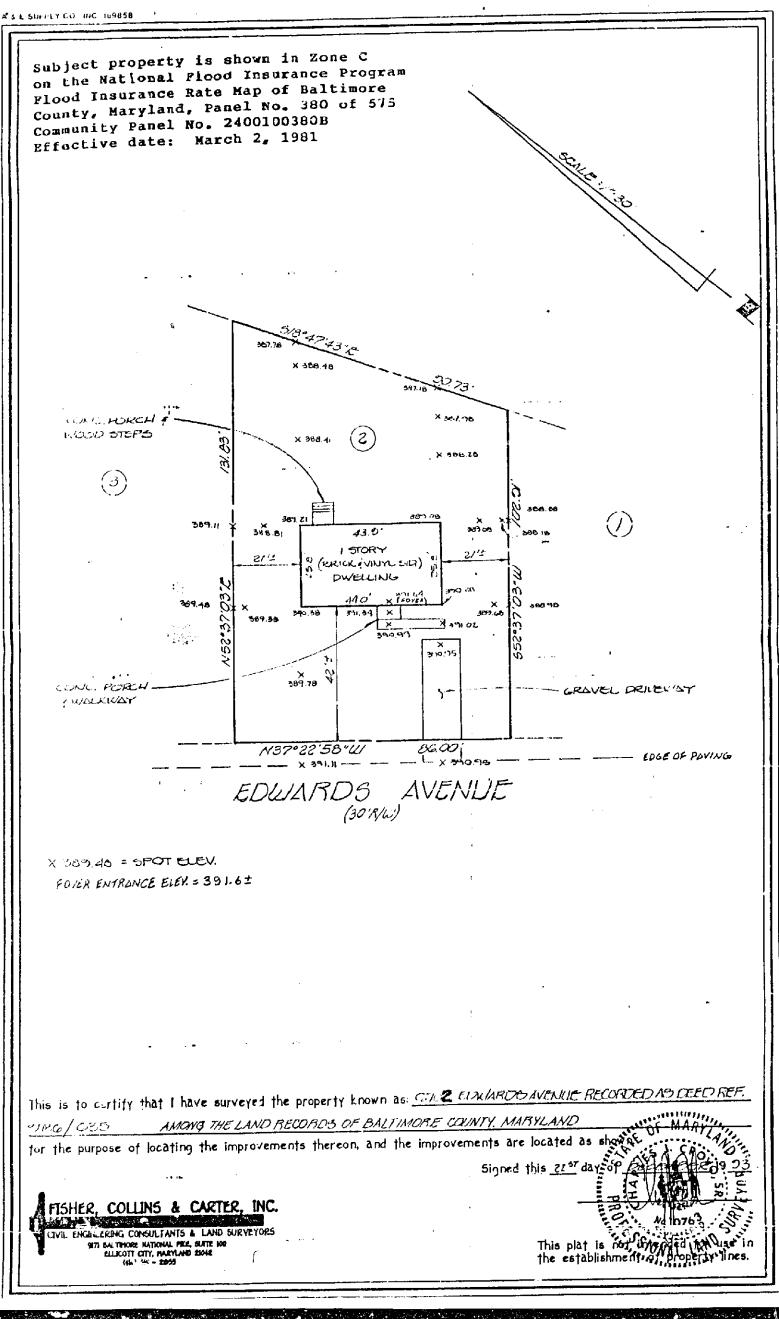






REJECT MARCH 1997





North date: 5/16

Or MARY:

OF MARY:

5/1/94

MARTIN'S INC. 6821 Dogwood Road Baltimore, MD 21244

To Whom It May Concern,

Flease be addvised that we are currently planning to construct a single family residence on Lot # 3

Edwards Ave.

I am requesting that you, as a member of the Community, please sign below if you have no objections.

Thank You

List Mate

Alice Jemmennam

Morry D. Crass

6701 FOWARDS AVE
6701 Edward and,
6711 Edward Arel
6711 Edward Arel

PA NO6

Plat to accompany Petition for Zoning Variance Special Hearing PROPERTY ADDRESS: 6704 EDWALLS AVE Subdivision name: BELDIONT HEIGHTS plat book# 7 ,folio#1-35,lot# 3 ,section# 1 OWNER: MIT MARTIN RESNICK-SUELECT PROPERTY Vicinity Map scale: T=1000~ LOT-6 LOCATION INFORMATION Election District: 2 Councilmanic District: 3 VACART VACHGIT RESNICK 1'=200' scale map#: NW-3G Zoning: DR 3.5 Lot size: 6.16 7072 acreage square feet -54-25' -12'+5' 21' - 44' - 21' -SEWER: WATER: 🗵 🗌 NO. 6762 Chesapeake Bay Critical Area: 🔲 🔀 Prior Zoning Hearings: 239' ± TE & OF Zoning Office USE ONLY! EDUVARDS AVE: (30' R/W 20' ± MAGADAM GORDON RD. > date: 5/16/94 Scale of Drawing: 1"= 50" prepared by: THOK

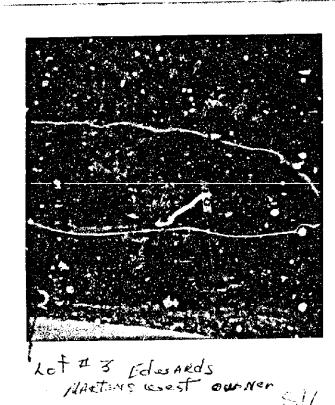
94-531-A



Edwards 516



LOT#3,4,65. Plus house Next Doo! - Korth; Located on a 50'foot Lot. 6712 Edwards 516



N/ 5"

CIBERS 675 PAGE 243

REAL ESTATE TITLE COMPANY,
INCORPORATED
Keyser Building
Baltimore, Md.
LE zington 9-3212

Insurance Graporation
Richmond Airginia

FEE SIMPLE DEED

This Deed, Made this

ninth day of Sept

in the year one thousand nine hundred and seventy- six by and between ANNE C. MULLINEAUX BARRY, of Baltimore County, State of Maryland, of the first

MARTIN'S, INC., a body corporate of the State of Maryland, of the second part.

027 15-76 | 1021314 | ##\*#70.00 027 15-76 | 10213182 | ###20.00 02715-76 | 10213082 | #\*\*#35.00 027 15-76 | 10212582 | ##\*#7.00

WITNESSETH that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part

do es grant and convey unto the said party of the second part, its successors

halfs and assigns, in fee-simple, all that 1st of ground

situate, lying and being in

Baltimore County, State of Maryland and described as follows, that is to say

line and depth of 149.45 feet on the northernmost side line.

14 7 7 Aug 14

BEGINNING for the same on the northeasternmost side of Edward Avenue in the First Election District of Baltimore County, being Lot Number Three, (No. 3) as laid down on the Plat of "BELMONT HEIGHTS", said plat being recorded among the Land Records of Baltimore County in Plat Book Liber W.P.C. No. 7, folio 35; said lot fronting 50 feet on the northeasternmost side of Edward Avenue with a parallel depth easterly of 132.7 feet on the southernmost side

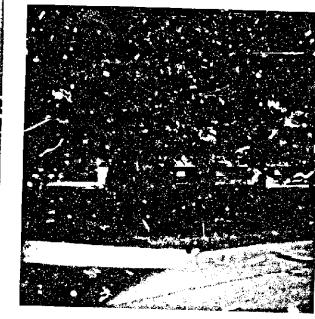
BEING the same lot of ground described in a Deed dated July 12, 1972 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5286, folio 325 from Emily Cecelia Mullineaux unto the within party of the first part, Grantor herein.

1 U 5.00 MSC

App. No. \_\_\_10



HOUSE built one a 50' fifty feet
Let La Cated in 760 same
Block #6716 FUR ARDS CITY
28x4

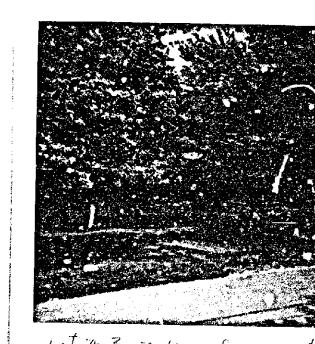


674-531-A

House Next Dook - South 28x44 6702 Edwards

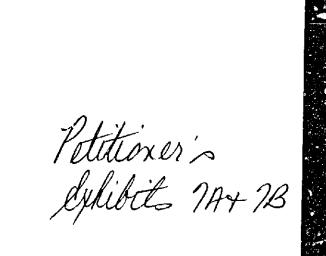


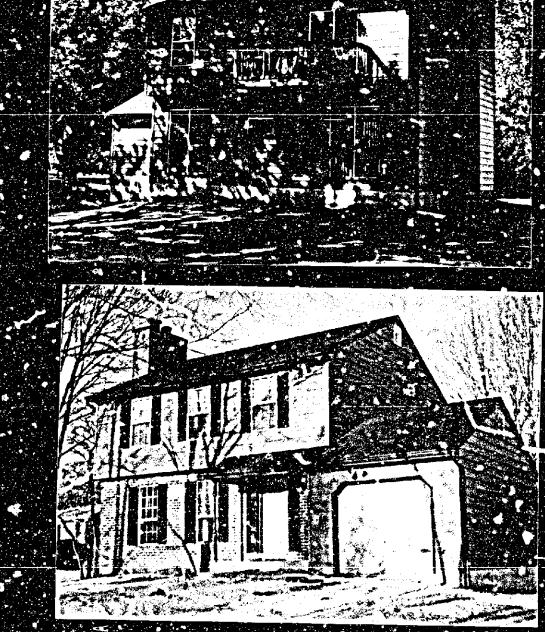
Let # 3 Edwards. proto



Lot # 3 Taken from worth of Rot.

PM 5%





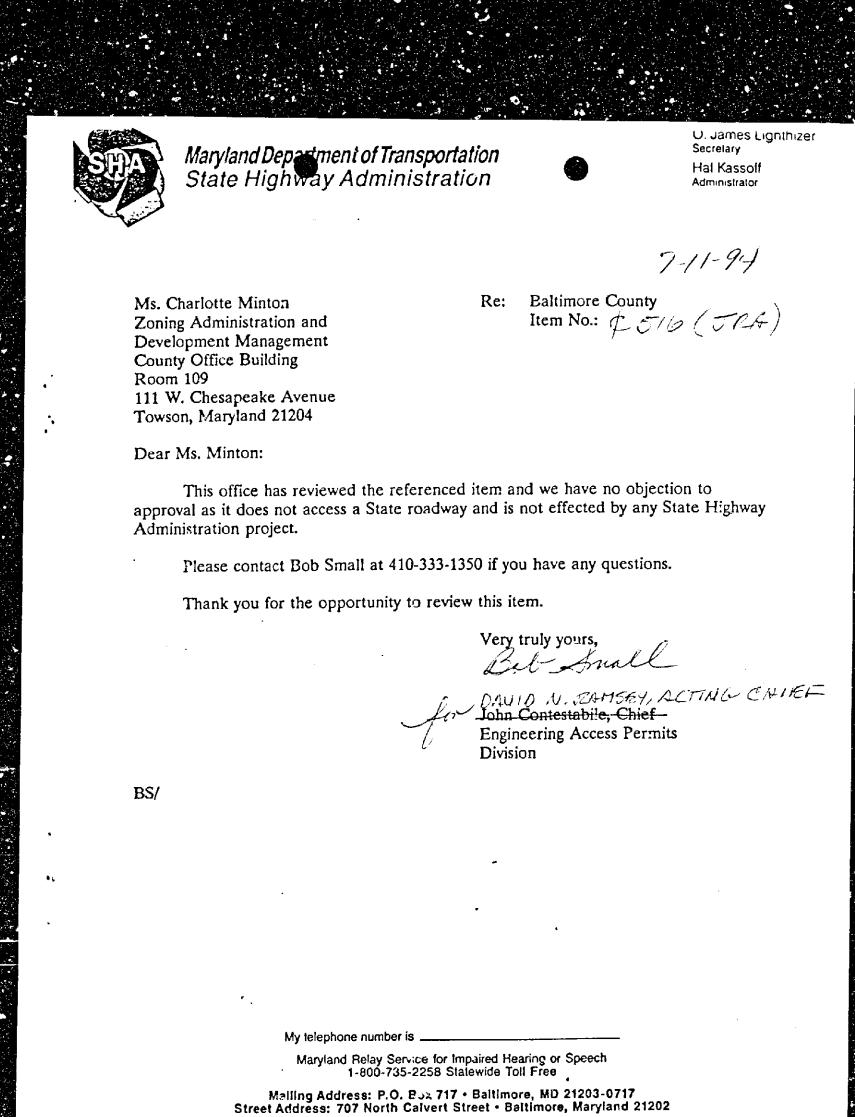
Zoning Plans Advisory Committee Comments Julius W. Lichter, Esquire Date: July 22, 1994

- 2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- 3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,

WCR:cmm



INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, :992; this office is requesting recommenda-

\_\_Election District\_\_\_2\_\_\_Council District\_\_\_3\_\_\_Square Feet 7072

Baltimore County Government Fire Department 700 East Joppa Road Suite 901 Towson, MD 21286-5500 (410) 887-4500 DATE: 07/12/94 Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105 RE: Property Owner: SEE BELOW LOCATION: SEE BELOW Item No.: SEE BELOW Zoning Agenda: Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 512,514,515,516,518, 519,520,521,522,523 AND \*1. REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

	REQUEST FOR HEARING
-	TO THE ZORING COMMISSIONER FOR BALTIMORE COUNTY:
	Re: Case Number:
	Petitioner(s): MOZGAN KELLEY
	Petitioner(s): MOZGAN KELLEY  Location: 670% EDWARDS Ave.
	******
	I/ME, Joseph G. Sweet 974-8224  (Type OR PRINT)  (H)Legal Owners ( ) Residents, of
	- 6702 Edwards Ave.
	Baltimore, Md. 21244 Esty/State/ZID Code
	Prione C
	which is located approximately feet from the
	property which is the subject of the above petition, do hereby formally
	request that a public hearing be set in this matter.
	Significant Sweet 7/4/94
	51grature Date
	CHACKOTTE
	PURA SU ME ON
	De have jule M
	17 - 1 m
	( The world )
	1 have it was
	00 0. 0 -70

*	*	*	*	*	*	*	*	*	*	*	
Mart	in's, Petii	Inc. tioners				*		CAGE N	10. 94-	-531 <del>-</del> A	
	, 3rd cilma	Electionic	on Dis	st., 2	nd	*		OF BAI	TIMORE	COUN	ΤΥ
Aven	ue, 24	rds Lan 43.5 fe	et N c	of $c/1$	Gordon	*		ZONING	COMM	SSION	ER
		TION FO				*		BEFORE	THE		

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> PETER MAX ZIMMERMAN People's Counsel for Baltimore County Carole S. Demilio CAROLE S. DEMILIO
> Deputy People's Counsel
> Room 47, Courthouse 400 Washington Avenue

CERTIFICATE OF SERVICE

the foregoing Entry of Appearance was mailed to Julius W. Lichter, Esquire, 305 W. Chesapeake Avenue, Towson, MD 21204, attorney for Petitioner.



Peter Map Ummerman PETER MAX ZIMMERMAN

Lind Owner Mr. Martin Resnick / Martin's Inq. Tex Access Hember 01-13-855430 Telephone Number \_\_\_ 410 265-1300 Address 6821 Dogwood Road Baltimore, Md. 21244 Peter Mar Tinneman CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning) Residential Processing Fee Paid Codes 030 & 080 (\$85) APPRICATION Topo Map (available in Rm 204 C.O.B.) (2 copies Towson, MD 21204 4. Building Elevation Drawings (410) 887-2188 I HEREBY CERTIFY that on this 2 day of July, 1994, a copy of TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY! RECOMMENDATIONS/COMMENTS: Approval conditioned on required modifications of the permit to conform with the following

Director, Office of Planning and Zoning

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

tions and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

Let Location: N ES W/side/corner of Edwards Ave. ,239 feet from N ES W corner of Gordon Rd.

Attn: Ervin McDaniel

MINIMUM APPL CANT SUPPLIED INFORMATION:

□ Lot Address Lot #3 Edwards Ave.

Mr. Martin Resnick
Print House of Applicant Belmont Heights Subdir

401 Fooley Av Towson, MD 21204

County Courts Bidg, Rm 406

to construct a single family Edwards Ave.		
Community, please sign below	ou, as a member of the if you have no objections.	
	Thank You	
Signature  Lin Mate  Alice Jimmelman  Maty D. Gass  Jasyl Sweet	G701 FOWARDS AVE 6712 Edward and, 6711 Edward Ave 6702 Edward Ave	

PLEASE PRINT CLEARLY PROTESTANT(S)	SIGN-IN SHEET
Alice A Zimmerman MARY D. Ross Joseph Sweet Digne L. Zimmerman Gus R. BOND	ADDRESS 67/2 Edward AVE. 2/244 67/1 Edward AVE. 2/244 6702. Edwards AVE. 2/244 6712 Edwards AVE. 2/244 1750 GOELOW AVE 2/244

Zoning Description - 3 copies Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet. ZONING DESCRIPTION FOR LOT#3 EDWARDS AVE. BELL GUT HEIGHTS SUBJU. Election District 2 Councilmanic District 3 Beginning at a point on the  $\frac{EAST}{\text{(north, south, east or west)}}$ AUENUE which is (30) FEET (street on which property fronts) (number of feet of right-of way width) wide at a distance of  $\frac{243.5}{\text{(number of feet) (north, south, east or west)}}$ centerline of the nearest improved intersecting street GORDOW ROAD (name of street) which is 30' FERT wide. \*Being Lot # 3 ...

(number of feet of right-of-way width) Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of BELMONT HEIGHTS SUBDIUISION as recorded in Baltimore County Plat (name of subdivision) Book #  $\frac{7}{}$ , Folio #  $\frac{1-35}{}$ , containing (square feet and acres) \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY District. 3rd.

Posted for: Variance

Date of Posting 7/17/94 Location of property: 6704 Edwards Are, Els Location of Signe: Taring Yvadway on proporty boing romed CERTIFICATE OF PUBLICATION NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regula-tions of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office THIS IS TO CERTIFY, that the annexed advertisement was Building, located at 111 W Chesapeake Avenue in Towson, Maryland 21204 of Room 118, Old Courthouse published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on  $\frac{7/4}{}$ . 19  $\frac{94}{}$ . Case Number: 94-531-A (Item 516) 5701 Edwards Lane E/S Edwards Ave., 243. E/S Edwards Ave., 243.3 feet N of c/I Gordon Road 3rd Election District 2nd Councilmanic Petitioner(s):
Martin's Inc.
HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Pollinore Courty

Zoning Administration &

Development Management

111 Vest Chesapeake Avenue

Towson, Maryland 21204 Date 6.30.94. TIR MINITION RESNICK/MARTINEINC COMR. ROMAN KELLY 9259 Bricken Timisa WAY. 010 - REQ. DAR. 50 080 - SIEN. 35 TOTAL 185 01A01#0056MICHRC Please Make Checks Payable To: Baltimore County

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the The following information is missing: Descriptions, including accurate beginning point Actual address of property Plats (need 12, only submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need-minimum 1 origin printed name and/er address and/er telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal. Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired PET-FLAG (TXTSOPH)

PETITION PROCESSING FLAG

TO: PUTUXENT PUBLISHING COMPANY July 14, 1994 Issue - Jeffersonian Please foward billing to: Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204 NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Evenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-531-A (Item 516) E/S Edwards Avenue, 243.5 feet N of c/1 Gordon Road 3rd Election District - 2nd Councilmanic Petitioner(s): Martin's, Inc. HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Variance to permit 5-foot side yards, 50-foot lot width, and 7,072 square feet of area in lieu of 10-foot minimum side yard and a total of 25 feet for both side yards, 70-foot lot width and 10,000-square foot

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

yard and a total of 25 feet for both side yards. 70-foot lot width and 10,000-square foot

NOTES: (1) Hearings are Hand icapped accessible; for specia

(2)For informa-tion concerning the File and/or Hearing, Please Cali 887-3391.

7/117 July 14.

(410) 887-3553

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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Julius W. Lichter, Esquire

Printed with Soybean Ink

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 311 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION COMPERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

111 West Chesapeake Avenue Towson, MD 21204 7/19/94 - CORRECTED COPY NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: CASE NUMBER: 94-531-A (Item 516) http://downlearner.com/bit E/S Edwards Avenue, 243.5 feet N of c/1 Gordon Road 3rd Election District - 2nd Councilmanic Petitioner(s): Martin / /////// Resnick HEARING: TUESDAY, AUGUST 2, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse Variance to permit 5-foot side yards, 50-foot lot width, and 7,072 square feet of area in lieu of 10-foot minimum side yard and a total of 25 feet for both side yards, 70-foot lot width and 10,000-square foot cc: Martin Resnick Morgan C. Kelly NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government

Office of Zoning Administration

and Development Management

(410) 887-3353

**Baltimore County Government** Office of Zoning Administration

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

July 22, 1994

Julius W. Lichter, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

> RE: Case No. 94-531-A, Item No. 516 Petition for Variance

Petitioner: Martin's, Inc.

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 29, 1954 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

E/S Edwards Avenue, 243.5' N of the c/l of Gordon Road (Lot 3 of Belmont Heights) 3rd Election District 2nd Councilmanic District

Martin Resnick/Martin's, Inc. Petitioner

\* \* \* \* \* \* \* \* \* \*

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 94-531-A

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as Lot 3 of Belmont Heights, also known as 6704 Edwards Avenue, located in the Belmont Heights subdivision in western Baltimore County. The Petition was filed by the owners of the property, Martin Resnick/Martin's Inc., through their attorney, Julius W. Lichter, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet each in lieu of the minimum required 10 feet and a total side yard sum of 10 feet in lieu of the required 25 feet, a lot width of 50 feet in lieu of the required 70 feet, and a total area of 7,072 sq.ft. in lieu of the minimum required 10,000 sq.ft. for a proposed dwelling. The subject property and relief sought are more particularly

Appearing on behalf of the Petition were Morgan C. Kelly, Petitioner's Builder, and Julius W. Lichter, Esquire, attorney for the Petitioner. Appearing in opposition to the request were several residents of the surrounding community. These included Joseph Sweet who resides immedirately next door to the subject property, Alice and Diane Zimmerman who reside on the other side of the property, and Mary Ross and Gus R. Bond, nearby property owners.

described on the plat submitted into evidence as Petitioner's Exhibit

consists of 0.16 acres, more or less, zoned D.R. 3.5 and is presently unimproved. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony revealed that this property was acquired by the Petitioner on September 9 1976. This is a small lot, 50 feet wide. The rear property line is not parallel to the front property line, and thus, the depth of the lot ranges from 132.1 feet to 150 feet, with a total area of 7,072 sq.ft., or .16 acres. On behalf of the Petitioner, Mr. Kelly testified that he has built several homes in this community, including Mr. Joseph Sweet's home immedia ately adjacent to this property. Mr. Kelly became aware of Mr. Resnick's ownership of the property shortly after completing Mr. Sweet's home and approached Mr. Resnick about constructing a single family dwelling on his The model proposed is known as the "Chandon" which is 40 feet wide and 28 feet deep as more particularly described on the elevation drawing submitted into evidence as Petitioner's Exhibit 4. The 40-foot width includes an option which features a single car garage and attached family room which are 12 feet wide each. This house is proposed to be constructed on the subject property with the option of a single car garage and family room, thereby resulting in side yard setbacks of 5 feet on each side. Mr. Kelly testified that, in his opinion, the proposed construction will not be detrimental to the surrounding locale and is compatible with the neighborhood. He indicated that there are other homes in the vicinity on 50-foot wide lots and that he has built a similar model home in this community. He also testified that efforts would be made not to remove

Testimony and evidence offered revealed that the subject property

trees or otherwise disturb the existing lot any more than necessary. - 2-

tioner's evidence was not convincing. Although it is clear that the Petitioner needs a variance from the lot width and area requirements, I am not convinced that 5 foot side yard setbacks on either side are the minimum that can be obtained. In fact, Mr. Kelly testified that there were other housing types which might be practical on this site.

Under the circumstances, I shall approve the relief requested to permit construction on a lot with a total area of 7,072 sq.ft. in lieu of the required 10,000 sq.ft., and a width of 50 feet in lieu of the required 70 feet. As to the side yard setbacks however, I will require that the proposed dwelling be no greater than 28 feet in width. Thus, the model shown on Petitioner's Exhibit 4 may be constructed, without a garage or family room addition. In the alternative, other models less than 28 feet in width can be constructed. This will allow an additional 12 feet to be provided for the side yards. As to this additional distance, the Petitioner shall maintain at least a 15-foot side yard setback on the south side facing Mr. Sweet's home. The exhibits offered showed that the dwelling on the Sweet is the closest dwelling to the property and thus, I believe that the larger side yard should be oriented towards that dwelling. A 15-foot side yard on that side, coupled with Mr. Sweet's 21-foot existing side yard should provide a large enough distance between the two homes. Moreover, a 7-foot side yard setback should be maintained on the north side. It should be noted that the closest dwelling on that side is at least 100 feet away. Moreover, as required by Baltimore County, any dwelling constructed on this lot should face Edwards Avenue.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted, as modified above.

- 5-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of August, 1994 that a variance from Section 1802. 3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7-foot side yard setback on the north side and a 15-foot side yard setback on the south side for a total side yard sum of 22 feet in lieu of the required 25 feet, a lot width of 50 fest in lieu of the required 70 feet, and a total area of 7,072 sq.ft. in lieu of the minimum required 10,000 sq.ft. for a proposed dwelling, be approved, and as such, the Petition for Variance, as modified, is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The size of the proposed dwelling is limited to 28 feet x 40 feet in accordance with the model depicted on Petitioner's Exhibit 4, without the option of a single car garage and family room. In lieu of this particular model, another model of less than 28 feet in width and 40 feet in depth would be permitted.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) side yard setbacks of 5 feet each in lieu of the minimum required 10 feet and a total side yard sum of 10 feet in lieu of the required 25 feet, be and is hereby DENIED.

> LAWRENCE E. SCHMIDT Zoning Commissioner

As to the Protestants, they uniformly object to the proposed dwelling as they believe that the subject lot is too small. They are particularly concerned over the potential increase in storm water runoff from the property due to the size of the proposed dwelling. fear the loss of trees on the property which currently act as a buffer for many residents from the Holiday Inn and commercial uses located nearby. It should be noted that a Holiday Inn exists to the rear of the site on Belmont Road. Other concerns over traffic, emergency vehicle access, parking and similar issues were also raised by the Protestants.

It should first be noted that Section 304 of the B.C.Z.R. allows for construction of a single family dwelling on an undersized lot under certain conditions. Three criteria must be met in order for construction to be allowed as of right. First, the subject undersized lot must be part of a subdivision duly recorded prior to March 30, 1955, the date of the first comprehensive zoning regulations in Baltimore County. In this case, a plat of the community was submitted which demonstrates that this subdivision was recorded in 1922. Obviously, this is an older, well-established neighborhood. Thus, in view of this recorded plat, the Petitioner satisfies the first prong of Section 304. The second criteria to be met is that the property owner can own no adjacent lands. Mr. Resnick also meets this test in that Mr. Sweet owns the property on one side and the Zimmermans own the property on the other side. The third criteria under Section 304 requires that all other height and area regulations can be met. In this instance, Mr. Resnick fails to satisfy the test. That is, by virtue of the fact that a variance to side yard setback requirements is necessary, it is clear that he does not meet all height and area requirements within the B.C.Z.R. Since he fails to meet all three of those tests, Mr. Resnick

cannot develop the property as of right, and thus, the requested variances are necessary.

Although development of the property as of right pursuant to Section 304 is not allowed, the evaluation of the site in accordance with those standards is significant. As noted above, the property is zoned D.R. 3.5, a residential classification. Any property owner has the right to develop this property in accordance with the permitted uses thereon. This is not a publicly owned parcel which must be maintained for the benefit of other property owners in the neighborhood. Thus, the neighbors have no right to expect that this property should be maintained and utilized only for their Benefit. Mr. Resnick's proposed use of the property is clearly permitted, just as Mr. Sweet was able to develop his property with a residential dwelling less than one year ago.

Furthermore, an evaluation of the variances requested must be made in accordance with the standards set forth in Section 307 of the B.C.Z.R. Therein, the Petitioner must show that he would suffer a practical difficulty if strict adherence to the regulations were required, that no detriment would be suffered by the surrounding community if the variance relief is granted, and that the relief granted is within the spirit and intent of the regulations. Surely the practical difficulty test is met in this instance. If strict adherence to the regulations were required, residential development would be impractical. Furthermore, I am convinced that a granting of the variances is within the spirit and intent of the regulations and can be accomplished without detriment to the surrounding locale.

However, the Petitioner must also show that the variance requested is the minimum relief which must be sought. On this count, the Peti-

- 4-

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

- 3-

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Julius W. Lichter, Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21285-5517

RE: PETITION FOR VARIANCE E/S Edwards Avenue, 243.5' N of the c/l of Gordon Road (Lot 3 of Belmont Heights) 3rd Election District - 2nd Councilmanic District Martin Resnick/Martin's, Inc. - Petitioner Case No. 94-531-A

August 5, 1994

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified herein, has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, // LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Morgan Kelly

9259 Broken Timber Way, Columbia, Md. 21045

Mr. Joseph Sweet, 6702 Edwards Avenue, Baltimore, Md. 21244 Ms. Alice A. Zimmerman and Ms. Diane L. Zimmerman

6712 Edwards Avenue, Baltimore, Md. 21244

Ms. Mary Ross, 6711 Edwards Avenue, Baltimore, Md. 21244 Mr. Gus R. Bond, 1750 Gordon Avenue, Baltimore, Md. 21244 People's Counsel; File

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at

Belmont Heights Subdivision

Lot #3 W. P. C. #7 Part 1-35

which is presently zoned DR 3.5 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3c.1 To permit 5 foot side yards, 50' Lot width; 7072 sq. feer of area (See attached undersized lot recommendation) in liew of 10' min. side yard and a total of 25' for bothside yards. 70' lot width & 10000 sq. foot area. Peru Sec. 304, BCZR

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or 1.DR 3.5 zoning require 70' frontage, 10' min. for one side yard & 25' total for both. 2. Lot #3 is 50' across the front; I own no continues property. 3. I would like to build a single family houes on my lot, of a size typical of the

4. The houses in the neighborhood are all about the width of the proposed house. \*Footnote! The house next door & one other in this block are constructed on 50' lots. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

·	<b></b>
Contract Purchaser/Lessee:	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we legal owner(s) of the property which is the subject of this Petition Legal Owner(s):
(Type or Print Name)	Mr. Martin Resnick / Martin's In
Signature	Signature R Record
Address	(Type or Print Name)
State Zipcode ttorney for Petitioner:	e Signature
PRO OF Print Name)	Address
Jake Sette	Phone No
5 W. CINESPORANTE AX 32/10/1	Name, Address and phone number of representative to be contacted.
Touson, ho Phone No. 2120	Mr. Morgan C. Kelly  Name 9259 Broken Timber Way (410) 997-197
Zipcode	Address Columbia MD 21045 Phone No.

OFFICE USE ONLY

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LES:bjs

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for Baltimore County

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